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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,900	02/19/2004	Shigekatsu Okada	SN-US045013	9078

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EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,900	Applicant(s) OKADA ET AL.	
	Examiner Vicky A. Johnson	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 13-20, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 602016).

Johnson discloses a handlebar comprising: a mounting portion (g) configured and arranged to be coupled to a bicycle in a direction transverse to a center plane of the bicycle (see Fig 1); a first gripping portion (see Fig 2) extending outwardly from said mounting portion in a first direction located on a first side of the center plane, said first gripping portion including a pair of first bar sections diverging outwardly from each other as said first bar sections extend away from the center plane (see Fig 1); and a second gripping portion extending outwardly from said mounting portion in a second direction located on a second side of the center plane (see Fig 1).

Re claim 2, said second gripping portion includes a pair of second bar sections diverging outwardly from each other as said second bar sections extend away from the center plane (see Fig 1).

Re claim 3, said first gripping portion includes a first outer connecting section extending between diverging ends of said first bar sections to form a substantially U-shaped loop (see Fig 2).

Re claim 4, said first gripping portion includes a first inner connecting section extending between converging ends of said first bar sections to form a closed loop together with said first bar sections and said outer connecting section (see Fig 2).

Re claim 5, said second gripping portion is a substantially mirror image of said first gripping portion relative to the center plane (see Fig 2).

Re claim 6, said first and second gripping portions are integrally formed with said mounting portion as a one-piece, unitary member (see Fig 2).

Re claim 7, said first bar sections, said first outer connecting section, said first inner connecting section and said mounting portion are integrally formed as a one-piece, unitary member (see Fig 2).

Re claim 8, said first inner and outer connecting sections are curved such that a substantially oval-shaped open area is formed within said closed loop (see Fig 2).

Re claim 9, said first gripping portion includes a first inner connecting section extending between converging ends of said first bar sections to form a substantially U-shaped loop (see Fig 1).

Re claim 10, said mounting portion is arc-shaped, at least one of said first bar sections is arc-shaped, and said mounting portion and a majority of said at least one of said first bar sections that is arc-shaped extend along a common arc (see Fig 1).

Re claims 11 and 15, said first bar sections are arranged to form a first accessory receiving space there between (The space is capable of receiving an accessory).

Re claim 13, said bar sections diverge outwardly relative to said mounting portion at an angle no greater than about 45degrees relative to each other (see Fig 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 602016) in view of Opfergelt (US 4,754,902).

Johnson discloses a handlebar as described above, but does not disclose an elastic element disposed therein that is configured and arranged to retain a bicycle accessory component in said first accessory receiving space.

Opfergelt teaches the use of an elastic element (34, 36) disposed therein that is configured and arranged to retain a bicycle accessory component in said first accessory receiving space (see Fig 3).


It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the handlebar of Johnson to include an elastic element as taught by Opfergelt in order to provide convenience to the rider.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vicky A. Johnson 1/23/06
Primary Examiner
Art Unit 3682